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November 8, 2018

FILE NO: 68026.6

Via Electronic Case Filing

Hon. Denis R. Hurley, U.S.D.J.
United States District Court
for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Capricorn Management Systems, Inc. v. GEICO*
Case no. 2:15-cv-02926-DRH-SIL

Dear Judge Hurley:

This firm represents defendant Government Employees Insurance Company (“GEICO”) in the subject civil action. We write jointly on behalf of GEICO and co-defendant Auto Injury Solutions, Inc. (collectively, “Defendants”) to seek clarification of Your Honor’s docket order entered November 7, 2018, referring motions to Magistrate Judge Locke for a report and recommendation (“Referral Order”).

Defendants filed three motion “bundles” this week:

- **Motion to Strike Purported Expert Disclosures and Preclude Expert Testimony**
ECF Nos. 103 (public) and 104 (sealed)
- **Motion for Sanctions under FED. R. CIV. P. 37(e)(2)**
ECF Nos. 105 (public) and 106 (sealed)
- **Motion for Summary Judgment**
ECF Nos. 107 (public) and 109 (sealed)

The Referral Order references the Motion to Strike and Motion for Summary Judgment by ECF number (“ORDER REFERRING MOTION: [103, 107]”). The Referral Order then at first refers to the “Joint MOTION to Strike and Joint MOTION for Summary Judgment” consistent with those ECF numbers, but then states “the motions for *sanctions* and for summary judgment are respectfully REFERRED to United States Magistrate Judge Steven I. Locke....”



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Defendants understood the Motion for Sanctions and Motion for Summary Judgment to have been referred to Magistrate Judge Locke by Your Honor's prior docket order of June 7, 2018 ("The proposed motions are referred to Magistrate Judge Locke."). Defendants understand the Motion to Strike to be before Magistrate Judge Locke as a non-dispositive discovery-related motion. *See* Individual Motion Practices of Magistrate Judge Steven I. Locke, at Rule 4(A)(ii) and (B).

Defendants respectfully request the Court to confirm that *all three* motions are now pending before Magistrate Judge Locke in accordance with their above-stated understanding.

Counsel thank Your Honor for his continuing consideration and are, as always, available to render any assistance that may be helpful the Court.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Charles D. Ossola", with a long, sweeping horizontal line extending to the right.

Charles D. Ossola

cc: Counsel of Record (via CM/ECF)